

SPECIAL CIVIL APPLICATION NO. 992 OF 1997.

Date of decision: 27.3.1997

For approval and signature

The Honourable Mr. Justice R. R. Jain

Mr. G.R. Shaikh, advocate for the petitioner.

Mr. T.H. Sompura, A.G.P. for respondent-State.

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram: R.R.Jain,J.

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March 27, 1997.

Oral judgment:

Heard Mr. Shaikh, learned advocate for the petitioner and Mr. Sompura, learned A.G.P. for respondent-State.

Aggrieved by the order dated 31.12.1996, Annexure B, passed by the Collector, Ahmedabad, rejecting the petitioner's application, Annexure A dated 1.3.1995 with regard to regularisation of possession of land bearing Survey No.234, the petitioner has filed this petition.

The principal contention raised by Mr. Shaikh is about noncompliance of principles of natural justice namely, giving hearing while passing the impugned order dated 31.12.1996. On perusal of the impugned order, it clearly transpires that the same has been passed in absence of the petitioner without giving any opportunity of hearing. Thus, apparently, it would be arbitrary, illegal and unsustainable at law. Mr. Sompura states that in the event the matter is remanded the Collector would decide the same in accordance with law after giving opportunity of hearing to the petitioner.

In the result, the impugned order dated 31.12.1996 is hereby quashed and set aside. The Collector, City of Ahmedabad is hereby directed to decide the application dated 1.3.1995, Annexure A, afresh after giving opportunity of hearing to the petitioner. The Collector is directed to decide the application in accordance with law preferably within six weeks from the date of receipt of writ from this Court.

Rule is made absolute. No order as to costs.